



March 4, 2008

General Counsel's Office
Federal Election Commission
999 E Street NW
Washington, DC 20463

RE MUR 5974

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2008 MAR 11 A 10 42

To Whom It May Concern

I am responding on behalf of the New Summit Republicans regarding complaint MUR 5974. I respectfully request the Commission dismiss the complaint for reasons enumerated in this response.

Expressed Advocacy of Clearly Identified Candidate

The complaint lacks substantive merit. The brochure referenced by the complainant does not expressly advocate the defeat of a declared federal candidate.

The only individual named in the brochure is Alex Arshinkoff, the chairman of the Summit County Republican Party. Mr. Arshinkoff is not a candidate for any office as defined by Ohio or federal law.

A clear read of the brochure in its entirety reveals that it calls for the unification of the Summit County Republican Party and the ouster of Mr. Arshinkoff as chairman. In other words, the brochure is about Alex Arshinkoff, not Hillary Clinton.

The complaint in question takes quotes out of context. The complainant misleads the Commission, citing limited parts of the brochure, omitting key phrases which actually leave the reader with a different message than that stated by the

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complainant

For example, the complainant states that the brochure proclaims "We can beat her," and summarily concludes this is advocating Senator Clinton's defeat. On closer review, the complete sentence and paragraph have a different message altogether. The brochure actually states "We can beat her if we are united. But Summit County needs a new GOP chairman."

Thus, the complete paragraph conveys a message of unification behind effective Republican leadership and that the current chairman needs to be removed from his position. It has nothing to do with Hillary Clinton and whether or not she should be elected President of the United States. As such, the law invoked by the complainant is inapplicable.

I am unaware of any requirement that the New Summit Republicans obtain Senator Clinton's permission before using her likeness in a brochure.

Standing of the Complainant

The complainant, Angela McMillen, is the paid executive director of the Summit County Republican Party. She seeks an investigation into whether the New Summit Republicans violated federal laws by issue a direct mail piece calling for the ouster of her employer, the chairman of the Summit County Republican Party.

Status of the New Summit Republican Committee

Setting aside the challenges to Ms. McMillen's complaint, The New Summit Republicans is not a political committee. It is a group that supports an individual(s) running for Summit County Republican Central Committee.

Individuals running for county party central committees in Ohio are excluded from the definition of "candidate" in the Ohio Revised Code as RC3517.01(B)(3) removes candidates for central committee from the definition of "candidate." They are not subject to Ohio Elections Law or Ohio Campaign Finance Law.

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It is not reasonable to expect individuals running for county party central committee would be subject to federal election laws when state law does not recognize them as candidates or subject them to regulations

For the above reasons, I respectfully ask the Commission to dismiss complaint MUR 5974

Kindest regards,

A handwritten signature in black ink, appearing to read 'K. Coughlin', with a large loop at the end.

Kevin Coughlin
State Senator

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